

26 | benefits upon the corporation; prohibiting the
 27 | corporation from receiving state funds except for
 28 | certain county tax revenues; requiring the corporation
 29 | to expend a percentage of such funds for certain
 30 | purposes; revising matching funds requirements
 31 | applicable to the corporation; requiring the
 32 | corporation to take certain actions and be dissolved
 33 | upon accepting certain state funds or receiving less
 34 | than a certain amount of public contributions in a
 35 | fiscal year; terminating the Tourism Promotional Trust
 36 | Fund; providing for the transfer of current balances
 37 | in and revenues of the trust fund to the General
 38 | Revenue Fund; requiring the Department of Economic
 39 | Opportunity to pay certain debts and obligations;
 40 | requiring the Chief Financial Officer to take certain
 41 | actions; providing a declaration of important state
 42 | interest; providing an effective date.

44 | Be It Enacted by the Legislature of the State of Florida:

46 | Section 1. Paragraph (b) of subsection (2), paragraphs
 47 | (d), (l), (m), and (n) of subsection (3), subsection (4),
 48 | paragraphs (d) and (e) of subsection (5), and subsection (6) of
 49 | section 125.0104, Florida Statutes, are amended, and paragraphs
 50 | (f) through (i) are added to subsection (4), to read:

51 125.0104 Tourist development tax; procedure for levying;
 52 authorized uses; referendum; enforcement.—

53 (2) APPLICATION; DEFINITIONS.—

54 (b) Definitions.—For purposes of this section:

55 1. "Promotion" means marketing or advertising designed to
 56 increase tourist-related business activities.

57 2. "Tourist" means a person who participates in trade or
 58 recreation activities outside the county of his or her permanent
 59 residence or who rents or leases transient accommodations as
 60 described in paragraph (3)(a).

61 3. "Retained spring training franchise" means a spring
 62 training franchise that had a location in this state on or
 63 before December 31, 1998, and that has continuously remained at
 64 that location for at least the 10 years preceding that date.

65 4. "Rural county" means:

66 a. A county with a population of 75,000 or fewer.

67 b. A county with a population of 125,000 or fewer which is
 68 contiguous to a county with a population of 75,000 or fewer.

69
 70 For purposes of this subparagraph, population shall be
 71 determined in accordance with the most recent official estimate
 72 pursuant to s. 186.901.

73 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

74 (d) In addition to any 1-percent or 2-percent tax imposed
 75 under paragraph (c), the governing board of the county may levy,

76 impose, and set an additional 1 percent of each dollar above the
 77 tax rate set under paragraph (c) ~~by the extraordinary vote of~~
 78 ~~the governing board~~ for the purposes set forth in subsection (5)
 79 ~~or~~ by ordinance approved in a referendum of approval by the
 80 registered electors within the county or subcounty special
 81 district pursuant to subsection (6). A county may not. ~~No county~~
 82 ~~shall~~ levy, impose, and set the tax authorized under this
 83 paragraph unless the county has imposed the 1-percent or 2-
 84 percent tax authorized under paragraph (c) for a minimum of 3
 85 years before ~~prior to~~ the effective date of the levy and
 86 imposition of the tax authorized by this paragraph. Revenues
 87 raised by the additional tax authorized under this paragraph may
 88 ~~shall~~ not be used for debt service on or refinancing of existing
 89 facilities as specified in subparagraph (5) (a)1. unless approved
 90 by referendum pursuant to subsection (6) ~~by a resolution adopted~~
 91 ~~by an extraordinary majority of the total membership of the~~
 92 ~~governing board of the county~~. If the 1-percent or 2-percent tax
 93 authorized in paragraph (c) is levied within a subcounty special
 94 taxing district, the additional tax authorized in this paragraph
 95 shall only be levied therein. ~~The provisions of paragraphs~~
 96 ~~(4) (a) - (d) shall not apply to the adoption of the additional tax~~
 97 ~~authorized in this paragraph~~. The effective date of the levy and
 98 imposition of the tax authorized under this paragraph is ~~shall~~
 99 ~~be~~ the first day of the second month following approval of the
 100 ordinance by referendum ~~the governing board~~ or the first day of

101 any subsequent month ~~as may be~~ specified in the ordinance. A
 102 certified copy of such ordinance shall be furnished by the
 103 county to the Department of Revenue within 10 days after
 104 approval of such ordinance.

105 (1) In addition to any other tax which is imposed pursuant
 106 to this section, a county may impose up to an additional 1-
 107 percent tax on the exercise of the privilege described in
 108 paragraph (a) by ordinance approved by referendum pursuant to
 109 subsection (6) ~~majority vote of the governing board of the~~
 110 ~~county in order~~ to:

111 1. Pay the debt service on bonds issued to finance the
 112 construction, reconstruction, or renovation of a professional
 113 sports franchise facility, or the acquisition, construction,
 114 reconstruction, or renovation of a retained spring training
 115 franchise facility, either publicly owned and operated, or
 116 publicly owned and operated by the owner of a professional
 117 sports franchise or other lessee with sufficient expertise or
 118 financial capability to operate such facility, and to pay the
 119 planning and design costs incurred prior to the issuance of such
 120 bonds.

121 2. Pay the debt service on bonds issued to finance the
 122 construction, reconstruction, or renovation of a convention
 123 center, and to pay the planning and design costs incurred prior
 124 to the issuance of such bonds.

125 3. Pay the operation and maintenance costs of a convention

126 center for a period of up to 10 years. Only counties that have
 127 elected to levy the tax for the purposes authorized in
 128 subparagraph 2. may use the tax for the purposes enumerated in
 129 this subparagraph. Any county that elects to levy the tax for
 130 the purposes authorized in subparagraph 2. after July 1, 2000,
 131 may use the proceeds of the tax to pay the operation and
 132 maintenance costs of a convention center for the life of the
 133 bonds.

134 4. Promote and advertise tourism in the State of Florida
 135 and nationally and internationally; however, if tax revenues are
 136 expended for an activity, service, venue, or event, the
 137 activity, service, venue, or event shall have as one of its main
 138 purposes the attraction of tourists as evidenced by the
 139 promotion of the activity, service, venue, or event to tourists.

140
 141 The provision of paragraph (b) which prohibits any county
 142 authorized to levy a convention development tax pursuant to s.
 143 212.0305 from levying more than the 2-percent tax authorized by
 144 this section, ~~and the provisions of paragraphs (4) (a) – (d),~~ shall
 145 not apply to the additional tax authorized in this paragraph.
 146 The effective date of the levy and imposition of the tax
 147 authorized under this paragraph is ~~shall be~~ the first day of the
 148 second month following approval of the ordinance by referendum
 149 ~~the governing board~~ or the first day of any subsequent month ~~as~~
 150 ~~may be~~ specified in the ordinance. A certified copy of such

151 ordinance shall be furnished by the county to the Department of
 152 Revenue within 10 days after approval of such ordinance.

153 (m)1. In addition to any other tax which is imposed
 154 pursuant to this section, a high tourism impact county may
 155 impose an additional 1-percent tax on the exercise of the
 156 privilege described in paragraph (a) by ordinance approved by
 157 referendum pursuant to subsection (6) ~~extraordinary vote of the~~
 158 ~~governing board of the county~~. The tax revenues received
 159 pursuant to this paragraph shall be used for one or more of the
 160 authorized uses pursuant to subsection (5).

161 2. A county is considered to be a high tourism impact
 162 county after the Department of Revenue has certified to such
 163 county that the sales subject to the tax levied pursuant to this
 164 section exceeded \$600 million during the previous calendar year,
 165 or were at least 18 percent of the county's total taxable sales
 166 under chapter 212 where the sales subject to the tax levied
 167 pursuant to this section were a minimum of \$200 million, except
 168 that no county authorized to levy a convention development tax
 169 pursuant to s. 212.0305 shall be considered a high tourism
 170 impact county. Once a county qualifies as a high tourism impact
 171 county, it shall retain this designation for the period the tax
 172 is levied pursuant to this paragraph.

173 3. ~~The provisions of paragraphs (4)(a)-(d) shall not apply~~
 174 ~~to the adoption of the additional tax authorized in this~~
 175 ~~paragraph~~. The effective date of the levy and imposition of the

176 tax authorized under this paragraph is ~~shall be~~ the first day of
 177 the second month following approval of the ordinance by
 178 referendum ~~the governing board~~ or the first day of any
 179 subsequent month ~~as may be~~ specified in the ordinance. A
 180 certified copy of such ordinance shall be furnished by the
 181 county to the Department of Revenue within 10 days after
 182 approval of such ordinance.

183 (n) In addition to any other tax that is imposed under
 184 this section, a county that has imposed the tax under paragraph
 185 (l) may impose an additional tax that is no greater than 1
 186 percent on the exercise of the privilege described in paragraph
 187 (a) by ordinance approved by referendum pursuant to subsection
 188 (6) ~~a majority plus one vote of the membership of the board of~~
 189 ~~county commissioners in order to:~~

- 190 1. Pay the debt service on bonds issued to finance:
 - 191 a. The construction, reconstruction, or renovation of a
 - 192 facility either publicly owned and operated, or publicly owned
 - 193 and operated by the owner of a professional sports franchise or
 - 194 other lessee with sufficient expertise or financial capability
 - 195 to operate such facility, and to pay the planning and design
 - 196 costs incurred prior to the issuance of such bonds for a new
 - 197 professional sports franchise as defined in s. 288.1162.
 - 198 b. The acquisition, construction, reconstruction, or
 - 199 renovation of a facility either publicly owned and operated, or
 - 200 publicly owned and operated by the owner of a professional

201 sports franchise or other lessee with sufficient expertise or
 202 financial capability to operate such facility, and to pay the
 203 planning and design costs incurred prior to the issuance of such
 204 bonds for a retained spring training franchise.

205 2. Promote and advertise tourism in the State of Florida
 206 and nationally and internationally; however, if tax revenues are
 207 expended for an activity, service, venue, or event, the
 208 activity, service, venue, or event shall have as one of its main
 209 purposes the attraction of tourists as evidenced by the
 210 promotion of the activity, service, venue, or event to tourists.

211
 212 A county that imposes the tax authorized in this paragraph may
 213 not expend any ad valorem tax revenues for the acquisition,
 214 construction, reconstruction, or renovation of a facility for
 215 which tax revenues are used pursuant to subparagraph 1. The
 216 provision of paragraph (b) which prohibits any county authorized
 217 to levy a convention development tax pursuant to s. 212.0305
 218 from levying more than the 2-percent tax authorized by this
 219 section shall not apply to the additional tax authorized by this
 220 paragraph in counties which levy convention development taxes
 221 pursuant to s. 212.0305(4)(a). ~~Subsection (4) does not apply to~~
 222 ~~the adoption of the additional tax authorized in this paragraph.~~
 223 The effective date of the levy and imposition of the tax
 224 authorized under this paragraph is the first day of the second
 225 month following approval of the ordinance by referendum ~~the~~

226 ~~board of county commissioners~~ or the first day of any subsequent
 227 month specified in the ordinance. A certified copy of such
 228 ordinance shall be furnished by the county to the Department of
 229 Revenue within 10 days after approval of the ordinance.

230 (4) ORDINANCE LEVY TAX; PROCEDURE.—

231 (a) The tourist development tax shall be levied and
 232 imposed pursuant to an ordinance containing the county tourist
 233 development plan prescribed under paragraph (c), enacted by the
 234 governing board of the county. The ordinance levying and
 235 imposing the tourist development tax shall not be effective
 236 unless the electors of the county or the electors in the
 237 subcounty special district in which the tax is to be levied
 238 approve the ordinance authorizing the levy and imposition of the
 239 tax, in accordance with subsection (6). The effective date of
 240 the levy and imposition of the tax is ~~shall be~~ the first day of
 241 the second month following approval of the ordinance by
 242 referendum, ~~as prescribed in subsection (6),~~ or the first day of
 243 any subsequent month ~~as may be~~ specified in the ordinance. A
 244 certified copy of the ordinance shall be furnished by the county
 245 to the Department of Revenue within 10 days after approval of
 246 such ordinance. The governing authority of any county levying
 247 such tax shall notify the department, within 10 days after
 248 approval of the ordinance by referendum, of the time period
 249 during which the tax will be levied.

250 (b) At least 60 days before ~~prior to~~ the enactment or

251 renewal of the ordinance levying the tax, the governing board of
 252 the county shall adopt a resolution establishing and appointing
 253 the members of the county tourist development council, as
 254 prescribed in paragraph (e), and indicating the intention of the
 255 county to consider the enactment or renewal of an ordinance
 256 levying and imposing the tourist development tax.

257 (c) Before a referendum to enact or renew ~~Prior to~~
 258 ~~enactment of~~ the ordinance levying and imposing the tax, the
 259 county tourist development council shall prepare and submit to
 260 the governing board of the county for its approval a plan for
 261 tourist development. The plan shall set forth the anticipated
 262 net tourist development tax revenue to be derived by the county
 263 for the 6 years after ~~24 months following~~ the levy of the tax;
 264 the tax district in which the enactment or renewal of the
 265 ordinance levying and imposing the tourist development tax is
 266 proposed; the anticipated tourist development revenue to be
 267 remitted to the Florida Tourism Industry Marketing Corporation;
 268 and a list, in the order of priority, of the proposed uses of
 269 the tax revenue by specific project or special use as the same
 270 are authorized under subsection (5). The plan shall include the
 271 approximate cost or expense allocation for each specific project
 272 or special use.

273 (d) The governing board of the county shall adopt the
 274 county plan for tourist development as part of the ordinance
 275 levying the tax. After enactment or renewal of the ordinance

276 levying and imposing the tax, the plan of tourist development
277 may not be substantially amended except by ordinance enacted by
278 an affirmative vote of a majority plus one additional member of
279 the governing board.

280 (e) The governing board of each county which levies and
281 imposes a tourist development tax under this section shall
282 appoint an advisory council to be known as the " (name of
283 county) Tourist Development Council." The council shall be
284 established by ordinance and composed of nine members who shall
285 be appointed by the governing board. The chair of the governing
286 board of the county or any other member of the governing board
287 as designated by the chair shall serve on the council. Two
288 members of the council shall be elected municipal officials, at
289 least one of whom shall be from the most populous municipality
290 in the county or subcounty special taxing district in which the
291 tax is levied. Six members of the council shall be persons who
292 are involved in the tourist industry and who have demonstrated
293 an interest in tourist development, of which members, not less
294 than three nor more than four shall be owners or operators of
295 motels, hotels, recreational vehicle parks, or other tourist
296 accommodations in the county and subject to the tax. All members
297 of the council shall be electors of the county. The governing
298 board of the county shall have the option of designating the
299 chair of the council or allowing the council to elect a chair.
300 The chair shall be appointed or elected annually and may be

301 reelected or reappointed. The members of the council shall serve
 302 for staggered terms of 4 years. The terms of office of the
 303 original members shall be prescribed in the resolution required
 304 under paragraph (b). The council shall meet at least once each
 305 quarter and, from time to time, shall make recommendations to
 306 the county governing board for the effective operation of the
 307 special projects or for uses of the tourist development tax
 308 revenue and perform such other duties as may be prescribed by
 309 county ordinance or resolution. The council shall continuously
 310 review expenditures of revenues from the tourist development
 311 trust fund and shall receive, at least quarterly, expenditure
 312 reports from the county governing board or its designee.
 313 Expenditures which the council believes to be unauthorized shall
 314 be reported to the county governing board and the Department of
 315 Revenue. The governing board and the department shall review the
 316 findings of the council and take appropriate administrative or
 317 judicial action to ensure compliance with this section. The
 318 changes in the composition of the membership of the tourist
 319 development council mandated by chapter 86-4, Laws of Florida,
 320 and this act shall not cause the interruption of the current
 321 term of any person who is a member of a council on October 1,
 322 1996.

323 (f) To the extent not prohibited by contracts or bond
 324 covenants in effect on July 1, 2023:

325 1. Beginning July 1, 2023, for each county that levies a

326 tax under this section, except as provided in subparagraph 2.,
 327 the Department of Revenue shall quarterly remit 5 percent of all
 328 revenues received between July 1, 2023, and July 1, 2026, from
 329 such tax to the Florida Tourism Industry Marketing Corporation,
 330 unless the county is a rural county. For rural counties, the
 331 Department of Revenue shall quarterly remit 2 percent of all
 332 revenues received between July 1, 2023, and July 1, 2026, from
 333 such tax to the Florida Tourism Industry Marketing Corporation.

334 2. Beginning July 1, 2023, a county that has elected to
 335 self-administer a tax under subsection (10) shall quarterly
 336 remit 5 percent of all revenues received between July 1, 2023,
 337 and July 1, 2026, from such tax to the Florida Tourism Industry
 338 Marketing Corporation, unless the county is a rural county. A
 339 rural county that has elected to self-administer a tax under
 340 subsection (10) shall quarterly remit 2 percent of all revenues
 341 received between July 1, 2023, and July 1, 2026, from such tax
 342 to the Florida Tourism Industry Marketing Corporation.

343 3. Beginning July 1, 2026, a county that levies a tax
 344 under this section may elect, by majority vote of the board of
 345 county commissioners, to quarterly remit, or to direct the
 346 Department of Revenue to remit if the department collects and
 347 administers the tax on behalf of the county, a portion of
 348 revenues received from such tax to the Florida Tourism Industry
 349 Marketing Corporation.

350

351 A county that levies a tax under this section may not place any
352 terms or conditions on revenues received under this section and
353 remitted to the Florida Tourism Industry Marketing Corporation
354 under this paragraph.

355 (g) An ordinance that levies and imposes a tax pursuant to
356 this section expires 6 years after the date the ordinance is
357 approved in a referendum, but may be renewed for subsequent 6-
358 year periods if each 6-year period is approved in a referendum
359 held pursuant to subsection (6).

360 (h) Any tax imposed pursuant to this section and in effect
361 on June 30, 2023, must be renewed by an ordinance approved in a
362 referendum held pursuant to subsection (6) on or before July 1,
363 2028, in order to remain in effect after July 1, 2028.

364 (i) The state covenants with holders of bonds or other
365 instruments of indebtedness issued by counties before July 1,
366 2023, that it is not the intent of this subsection to impair or
367 materially alter the rights of those holders or relieve counties
368 of the duty to meet their obligations as a result of previous
369 pledges or assignments entered into under this section as it
370 applied before July 1, 2023. Therefore, paragraph (h) does not
371 apply in any case in which the proceeds of a tax levied pursuant
372 to this section on or before June 30, 2023, have been pledged to
373 secure and liquidate revenue bonds or revenue refunding bonds as
374 authorized by this section, unless such bonds are retired before
375 July 1, 2028. If the bonds are not yet retired on July 1, 2028,

376 paragraph (h) shall apply as though July 1, 2028, was instead
 377 replaced with July 1 of the year following the retirement of
 378 such bonds.

379 (5) AUTHORIZED USES OF REVENUE.—

380 (d) The revenues to be derived from the tourist
 381 development tax may be pledged to secure and liquidate revenue
 382 bonds issued by the county for the purposes set forth in
 383 subparagraphs (a)1., 2., ~~and 5.,~~ and 6. or for the purpose of
 384 refunding bonds previously issued for such purposes, or both;
 385 however, no more than 50 percent of the revenues from the
 386 tourist development tax may be pledged to secure and liquidate
 387 revenue bonds or revenue refunding bonds issued for the purposes
 388 set forth in subparagraph (a)5. Such revenue bonds and revenue
 389 refunding bonds may be authorized and issued in such principal
 390 amounts, with such interest rates and maturity dates, and
 391 subject to such other terms, conditions, and covenants as the
 392 governing board of the county shall provide. The Legislature
 393 intends that this paragraph be full and complete authority for
 394 accomplishing such purposes, but such authority is supplemental
 395 and additional to, and not in derogation of, any powers now
 396 existing or later conferred under law.

397 (e) Any use of the local option tourist development tax
 398 revenues collected pursuant to this section for a purpose not
 399 expressly authorized by paragraph (3) (l) , ~~or~~ paragraph (3) (n) ,
 400 paragraph (4) (f), or paragraphs (a)-(d) ~~of this subsection~~ is

401 expressly prohibited.

402 (6) REFERENDUM.—

403 (a) An ~~No~~ ordinance enacted or renewed by a ~~any~~ county
 404 levying the tax authorized by this section may not ~~paragraphs~~
 405 ~~(3)(b) and (c) shall~~ take effect until the ordinance levying and
 406 imposing the tax has been approved in a referendum held at a
 407 general election, as defined in s. 97.021, by at least 60
 408 percent ~~a majority~~ of the electors voting in such election in
 409 the county or by at least 60 percent ~~a majority~~ of the electors
 410 voting in the subcounty special tax district affected by the
 411 tax.

412 (b) The governing board of the county levying the tax
 413 shall arrange to place a question on the ballot at a general
 414 election, as defined in s. 97.021, to be held within the county,
 415 which question shall be in substantially the following form:

- 416FOR the Tourist Development Tax
- 417AGAINST the Tourist Development Tax.

418 (c) If at least 60 percent ~~a majority~~ of the electors
 419 voting on the question approve the levy, the ordinance shall be
 420 deemed to be in effect.

421 (d) In any case where an ordinance ~~a referendum~~ levying
 422 and imposing the tax has been approved by referendum pursuant to
 423 this section and 15 percent of the electors in the county or 15
 424 percent of the electors in the subcounty special district in
 425 which the tax is levied file a petition with the board of county

426 commissioners for a referendum to repeal the tax, the board of
 427 county commissioners shall cause an election to be held for the
 428 repeal of the tax which election shall be subject only to the
 429 outstanding bonds for which the tax has been pledged. However,
 430 the repeal of the tax shall not be effective with respect to any
 431 portion of taxes initially levied in November 1989, which has
 432 been pledged or is being used to support bonds under paragraph
 433 (3)(d) or paragraph (3)(1) until the retirement of those bonds.

434 Section 2. Paragraph (a) of subsection (5) of section
 435 212.0606, Florida Statutes, is amended to read:

436 212.0606 Rental car surcharge.—

437 (5)(a) Notwithstanding s. 212.20, and less the costs of
 438 administration, 80 percent of the proceeds of this surcharge
 439 shall be deposited in the State Transportation Trust Fund, ~~15.75~~
 440 ~~percent of the proceeds of this surcharge shall be deposited in~~
 441 ~~the Tourism Promotional Trust Fund created in s. 288.122,~~ and 20
 442 ~~4.25~~ percent of the proceeds of this surcharge shall be
 443 deposited in the Florida International Trade and Promotion Trust
 444 Fund. For the purposes of this subsection, the term "proceeds of
 445 this surcharge" means all funds collected and received by the
 446 department under this section, including interest and penalties
 447 on delinquent surcharges. The department shall provide the
 448 Department of Transportation rental car surcharge revenue
 449 information for the previous state fiscal year by September 1 of
 450 each year.

451 Section 3. Paragraph (b) of subsection (2) of section
 452 288.0001, Florida Statutes, is amended to read:

453 288.0001 Economic Development Programs Evaluation.—The
 454 Office of Economic and Demographic Research and the Office of
 455 Program Policy Analysis and Government Accountability (OPPAGA)
 456 shall develop and present to the Governor, the President of the
 457 Senate, the Speaker of the House of Representatives, and the
 458 chairs of the legislative appropriations committees the Economic
 459 Development Programs Evaluation.

460 (2) The Office of Economic and Demographic Research and
 461 OPPAGA shall provide a detailed analysis of economic development
 462 programs as provided in the following schedule:

463 (b) By January 1, 2015, and every 3 years thereafter, an
 464 analysis of the following:

465 1. The entertainment industry financial incentive program
 466 established under s. 288.1254.

467 2. The entertainment industry sales tax exemption program
 468 established under s. 288.1258.

469 3. VISIT Florida and its programs established or funded
 470 under ss. ~~288.1227~~, 288.1226, 288.12265, and 288.124.

471 4. The Florida Sports Foundation and related programs
 472 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
 473 288.1168, 288.1169, and 288.1171.

474 Section 4. Section 288.122, Florida Statutes, is repealed.

475 Section 5. Subsection (13) of section 288.1226, Florida

476 Statutes, is renumbered as subsection (14), paragraph (b) of
 477 subsection (2), subsection (3), paragraph (k) of subsection (5),
 478 and subsection (6) are amended, paragraphs (q) and (r) are added
 479 to subsection (5), and a new subsection (13) is added to that
 480 section, to read:

481 288.1226 Florida Tourism Industry Marketing Corporation;
 482 use of property; board of directors; duties; audit.—

483 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing
 484 Corporation is a direct-support organization of Enterprise
 485 Florida, Inc.

486 (b) The corporation is organized and operated exclusively
 487 to request, receive, hold, invest, and administer property and
 488 to manage and make expenditures for the operation of the
 489 activities, services, functions, and programs of this state
 490 which relate to the statewide, national, and international
 491 promotion and marketing of tourism, without any financial
 492 support or specific appropriations from the state.

493 (3) USE OF PROPERTY.—Enterprise Florida, Inc.:

494 (a) Is authorized to permit the use of property and
 495 facilities of Enterprise Florida, Inc., by the corporation,
 496 subject to the provisions of this section, so long as the
 497 corporation reimburses Enterprise Florida, Inc., for any
 498 applicable costs to keep, operate, and maintain the property.

499 (b) Shall prescribe conditions with which the corporation
 500 must comply in order to use property and facilities of

501 Enterprise Florida, Inc. Such conditions shall provide for
 502 budget and audit review and for oversight by Enterprise Florida,
 503 Inc.

504 (c) May not permit the use of property and facilities of
 505 Enterprise Florida, Inc., if the corporation does not provide
 506 equal employment opportunities to all persons, regardless of
 507 race, color, national origin, sex, age, or religion.

508 (d) May not confer a monetary or nonmonetary benefit upon
 509 the corporation unless the corporation pays fair market value
 510 for the benefit.

511 (5) POWERS AND DUTIES.—The corporation, in the performance
 512 of its duties:

513 (k) May request or accept any grant, payment, or gift, of
 514 funds or property made by this state or by the United States or
 515 any department or agency thereof or by any individual, firm,
 516 corporation, municipality, county, or organization for any or
 517 all of the purposes of the 4-year marketing plan and the
 518 corporation's contract with Enterprise Florida, Inc., that are
 519 not inconsistent with this or any other provision of law. Such
 520 funds shall be deposited in a bank account established by the
 521 corporation's board of directors. The corporation may expend
 522 such funds in accordance with the terms and conditions of any
 523 such grant, payment, or gift, in the pursuit of its
 524 administration or in support of the programs it administers. The
 525 corporation shall separately account for ~~the~~ public funds

526 received from counties pursuant to s. 125.0104, all other public
 527 funds, and ~~the~~ private funds deposited into the corporation's
 528 bank account.

529 (q) May not receive any financial support or specific
 530 appropriation from the state other than funds received from
 531 counties pursuant to s. 125.0104.

532 (r) Shall ensure that 75 percent of all expenditures go
 533 towards activities, services, functions, and programs that
 534 directly assist state parks, state forests, and rural counties
 535 as defined in s. 125.0104(2)(b).

536 (6) MATCHING REQUIREMENTS.—

537 (a) A one-to-one match is required of private to public
 538 contributions to the corporation. Public contributions include
 539 all funds remitted from counties ~~state appropriations~~ to the
 540 corporation ~~and exclude taxes derived~~ pursuant to s. 125.0104.

541 (b) For purposes of calculating the required one-to-one
 542 match, the corporation shall receive matching private
 543 contributions in one of four private match categories. The
 544 corporation shall maintain documentation of such categorized
 545 contributions on file and make such documentation available for
 546 inspection upon reasonable notice during its regular business
 547 hours. Contribution details shall be included in the quarterly
 548 reports required under subsection (8). The private match
 549 categories are:

550 1. Direct cash contributions from private sources, which

551 include, but are not limited to, cash derived from strategic
552 alliances, contributions of stocks and bonds, and partnership
553 contributions.

554 2. Fees for services, which include, but are not limited
555 to, event participation, research, and brochure placement and
556 transparencies.

557 3. Cooperative advertising, which is limited to partner
558 expenditures for paid media placement, partner expenditures for
559 collateral material distribution, and the actual market value of
560 contributed productions, air time, and print space.

561 4. In-kind contributions, which is limited to the actual
562 market value of promotional contributions of partner-supplied
563 benefits to target audiences and the actual market value of
564 nonpartner-supplied air time or print space contributed for the
565 broadcasting or printing of such promotions, which would
566 otherwise require tourist promotion expenditures by the
567 corporation for advertising, air travel, rental car fees, hotel
568 rooms, RV or campsite space rental, onsite guest services, and
569 admission tickets. The net value of air time or print space, if
570 any, shall be deemed to be the actual market value of the air
571 time or print space, based on an average of actual unit prices
572 paid contemporaneously for comparable times or spaces, less the
573 value of increased ratings or other benefits realized by the
574 media outlet as a result of the promotion.

575

576 Contributions from a government entity or from an entity that
 577 received more than 50 percent of its revenue in the previous
 578 fiscal year from public sources, including revenue derived from
 579 taxes, ~~other than taxes collected pursuant to s. 125.0104,~~ from
 580 fees, or from other government revenues, are not considered
 581 private contributions for purposes of calculating the required
 582 one-to-one match.

583 (c) If the corporation fails to meet the one-to-one match
 584 requirements of this subsection, the corporation shall revert
 585 all unmatched public contributions received from counties
 586 pursuant to s. 125.0104 to the counties that remitted funds to
 587 the corporation state treasury by June 30 of each fiscal year.
 588 The corporation shall do so on a pro rata basis, which shall be
 589 based on the amount of such funds received from each county.

590 (13) MANDATORY TRANSFER OF FUNDS.—If the corporation
 591 accepts any financial support or specific appropriation from the
 592 state after July 1, 2023, or if the corporation receives less
 593 than \$1 million in public contributions within a fiscal year:

594 (a) The corporation shall immediately notify the
 595 Department of Economic Opportunity.

596 (b) All funds held by the corporation which were received
 597 pursuant to s. 125.0104 shall proportionally be returned to the
 598 counties that remitted such funds.

599 (c) The corporation shall immediately transfer all other
 600 funds held by the corporation to the General Revenue Fund.

601 (d) The corporation shall immediately liquidate all assets
 602 held by the corporation and all proceeds of the sales of such
 603 assets shall revert to the General Revenue Fund.

604 (e) The corporation shall be dissolved.

605 Section 6. (1) The Tourism Promotional Trust Fund, FLAIR
 606 number 40-2-722, within the Department of Economic Opportunity
 607 is terminated.

608 (2) All current balances remaining in, and all revenues
 609 of, the trust fund shall be transferred to the General Revenue
 610 Fund.

611 (3) The Department of Economic Opportunity shall pay any
 612 outstanding debts and obligations of the terminated fund as soon
 613 as practicable, and the Chief Financial Officer shall close out
 614 and remove the terminated fund from various state accounting
 615 systems using generally accepted accounting principles
 616 concerning warrants outstanding, assets, and liabilities.

617 Section 7. The Legislature finds and declares that this
 618 act fulfills an important state interest.

619 Section 8. This act shall take effect July 1, 2023.